

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS LOVETT,

No. C 05-3132 MMC

Plaintiff,

ORDER DISMISSING ACTION

v.

ALPHA EPSILON PHI,

Defendant


By order filed December 19, 2005, the Court ordered plaintiff, in light of his failure to appear at a regularly-scheduled case management conference and his failure to file proof of service of the summons and complaint on defendant, to show cause, no later than December 30, 2005, why the above-titled action should not be dismissed. To date, plaintiff has failed to respond to the Court's order to show cause.

Accordingly, for the reasons set forth in the Court's order filed December 19, 2005, the above-titled action is hereby DISMISSED, without prejudice, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Additionally, the action is dismissed, without prejudice, for failure to timely serve defendant, pursuant to Rule 4(m).

The Clerk shall close the file.

IT IS SO ORDERED.

Dated: January 4, 2006


MAKINE M. CHESNEY
United States District Judge